IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1586 OF 2006

Sunil Shankar Surawase ....Applicant.

V/s

State of Maharashtra ....Respondent.

Ms. Patwardhan with Sudhakar Thorat for the applicant.
Ms. M.M. Deshmukh, APP for the State.

CORAM: V.M. KANADE, J.
DATE: 21st April 2006

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. This is an application for modification of the condition imposed by the Metropolitan Magistrate, Konkan Bhavan, Washi. The present applicant has filed an application for reduction of the bail amount before the learned Magistrate. However, the said application has been rejected. Being aggrieved by the said order, the present application has been filed.

3. In my view the bail of Rs 10,000/- which is granted by the Magistrate is liable to be reduced to Rs 3000/-. It is a settled position in law that the Magistrate should not impose such conditions, the performance of which is not possible by the applicant.

The Supreme Court in Motiram's case has also depricated the practice of imposing the conditions while granting the bail, the performance of which is not possible.

4. Considering the facts of the present case, the applicant be released on bail in the sum of Rs 3000/- with one or two sureties in the like amount. The applicant shall report to the concerned Police Station once in a month. The applicant may initially furnish cash surety and, thereafter within two weeks furnish regular sureties in the like amount as directed by this Court.

5. Application is accordingly disposed of.

V.M. KANADE, J.